

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested.

By the foregoing amendment, claims 16-19 have each been amended to change certain punctuation for consistency and clarity. Method claims 16 and 18 have also been amended to recite "a target gene" and the "gene." Support for this amendment can be found on at least page 2, last full paragraph. Further, the device claims – claims 17 and 19 – have been amended to make clear that the device contains the probe. Support for this amendment can be found throughout the originally filed application. No new matter has been added. It is also noted that none of the amendments to claims are intended to limit the scope of any claim or element recited therein.

Subsequent to the filing of the previously filed Amendment and Reply of January 18, 2005, Applicant's representative was in communication with Examiner Clow. During such time, Examiner Clow indicated that the method claims – claims 16 and 18 – would be allowable with the amendments presented herein. Moreover, Applicant believes, that in view of the communication with Examiner Clow, the current amendments to device claims 17 and 19 should also place such claims in condition for allowance.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

If there are any questions concerning this Amendment and Reply, or the application in general, the Examiner is respectfully requested to telephone Applicant's undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 17, 2005

By: _____

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